

HOUSE BILL No. 1055

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-22.

Synopsis: Review of privatization savings. Provides that a contract or the solicitation for a contract to privatize any of the functions currently performed by a governmental body's employees must: (1) require an offeror to provide verifiable evidence that the cost of the contract will be less than the cost of having the functions performed by the governmental body's employees; and (2) specify that the governmental body may not pay the contractor more than the cost that the contractor determined the governmental body would incur to perform the functions using its own employees.

Effective: July 1, 2002.

Dickinson

January 8, 2002, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1055

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-22-5-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]: **Sec. 9. (a) This section applies to a solicitation for a**
4 **contract that would require the contractor to perform any of a**
5 **governmental body's functions that are performed at the time of**
6 **the solicitation by the governmental body's employees.**

7 **(b) The solicitation must include the following:**

8 **(1) A requirement that the offeror must provide objective,**
9 **verifiable evidence that:**

10 **(A) is satisfactory to the governmental body; and**

11 **(B) demonstrates that if the offeror is awarded the**
12 **contract, the cost of the contract over the term of the**
13 **contract will be less than the cost that the governmental**
14 **body would incur if performing the functions covered by**
15 **the contract with the governmental body's employees**
16 **during the period comprising the term of the proposed**
17 **contract.**



1 **(2) A statement that the contract between the governmental**
2 **body and the offeror must contain a provision that the**
3 **governmental body may not pay to the offeror over the term**
4 **of the contract more than the cost that the offeror determined**
5 **the governmental body would incur to perform the functions**
6 **with the governmental body's employees during the period**
7 **comprising the term of the contract.**

8 SECTION 2. IC 5-22-16-7 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2002]: **Sec. 7. (a) This section applies to a solicitation for a**
11 **contract that would require the contractor to perform any of a**
12 **governmental body's functions that are currently performed by the**
13 **governmental body's employees.**

14 **(b) An offeror may not be considered responsive to the**
15 **solicitation if the offeror does not provide objective, verifiable**
16 **evidence that:**

- 17 **(1) is satisfactory to the governmental body; and**
18 **(2) demonstrates that if the offeror is awarded the contract,**
19 **the cost of the contract over the term of the contract will be**
20 **less than the cost that the governmental body would incur if**
21 **performing the functions covered by the contract with the**
22 **governmental body's employees during the period comprising**
23 **the term of the proposed contract.**

24 SECTION 3. IC 5-22-17-15 IS ADDED TO THE INDIANA CODE
25 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2002]: **Sec. 15. (a) This section applies to a contract that would**
27 **require the contractor to perform any of a governmental body's**
28 **functions that are performed before the contract is entered into by**
29 **the governmental body's employees.**

30 **(b) A contract referred to in subsection (a) must contain the**
31 **provision described in IC 5-22-5-9(b)(2).**

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